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TOPEKA, KANSAS, THURSDAY EVENING, SEPTEMBER 20, 1894.

TWENTY-SECOND YEAR.

ON THE STAND.

Rev. Charles M. Sheldon Testifies in Court.

How Whisky and Beer Were Bought and Sold.

AT THE LAWYER'S STORE.

No Blanks Were Filled Out at All.

Attempt to Prove T. S. Hand a Law Violator.

Rev. Charles M. Sheldon made his first appearance in the district court this morning.

Rev. Mr. Sheldon was the principal witness for the state in the celebrated liquor case in which Druggist Fred Holler is charged with selling liquor in violation of the state law and not in accordance with his permit as a druggist.

When the case was called before Judge Hazen this morning, County Prosecutor H. C. Safford explained the nature of the case to the jury and then called his first witness, Probate Judge G. N. Elliott.

Judge Elliott was simply there to testify as to Fred Holler's being the holder of a druggist's permit in June the time the offense was said to have been committed.

Judge Elliott said Holler was first granted a permit to sell liquor at 301 Jefferson street, but that about the first of April his permit was changed when he moved his store to its present location at 282 Kansas avenue.

Lawyer Hib Case refused to cross examine Judge Elliott, and Rev. Charles M. Sheldon was called to the stand and examined by County Attorney Safford.

Question—State your name to the jury? Answer—Charles M. Sheldon.

Q—How long have you resided in the city of Topeka? A—About six years.

Q—What is your business or occupation? A—I am a minister.

Q—How long have you been engaged in the ministry? A—About eight years.

Q—Have you a charge in Topeka, and, if so, of what church? A—I am pastor of the Central Congregational church.

Q—Now, Mr. Sheldon, please tell the jury what you know about the sale and purchase of any liquor in violation of the law on or about the 22nd or 23rd of June at Fred Holler's drug store.

A—On Friday, June 22, Mr. T. S. Hand and myself went into Mr. Holler's place and Mr. Hand purchased three bottles of beer in my presence for which he paid 75 cents.

Q—What time in the day was it? A—It was in the forenoon between 11 and 12 o'clock.

Q—Did Mr. Hand sign an application and make the required oath in such cases? A—He signed an application in blank, but made no oath.

Q—Tell the jury how it was.

A—Mr. Hand and I walked into the store together and went to a place back in the store where Mr. Holler stood, and Mr. Hand said something about it being a very warm day and said he wanted some beer. Mr. Holler asked him how much and Mr. Hand said he would take three bottles. The book with the blank applications lay on the counter and Mr. Holler pushed it towards Mr. Hand and asked him to sign it and while he went back after the beer Mr. Hand signed it. When Mr. Holler brought the beer Mr. Hand paid him 75 cents and he took the beer and we walked out.

Q—You say the application which Mr. Hand signed was not filled and he did not make an oath and he was not required to swear?

A—Yes, sir; that was the way it was.

Q—Did you pay any particular attention to the application blank or make any notation of what it was?

A—Yes, sir, I did. The slip signed by Mr. Hand was No. 2 of series No. 105.

Q—What was done with that beer, Mr. Sheldon?

A—Mr. Hand turned it over to me and I gave him 75 cents, the amount he paid for it.

Q—Have you the beer in your possession now?

A—Yes, sir, I have. It is not here, but I can get it.

Q—Where is it in Mr. Holler's store at present?

A—On the next day, Saturday, June 23, Mr. Hand and myself and Mr. A. G. Carruth were in Mr. Holler's store about the same time and Mr. Hand bought some whisky for which he paid 50 cents, but did not sign any application or make any oath of any kind.

Q—How much liquor did he get?

A—The bottle contains between a half pint and a pint.

Q—What was done with the whisky?

A—I took it and still have it in my possession.

Q—Have you it now and can you produce it?

A—Yes, here it is.

Mr. Sheldon took from his pocket an eight ounce bottle wrapped in a green paper, which he handed to County Attorney Safford.

Q—Mr. Sheldon, tell the jury how it was you bought that whisky, or rather, how Mr. Hand bought it.

A—Mr. Hand, Mr. A. G. Carruth and myself were together. Mr. Carruth and I went in first and went to the soda fountain and asked for soda. The clerk, or one of the clerks, came up and told us the fountain was out of order. About that time Mr. Hand came in. The clerk stepped over to wait on him, but he walked past, saying he wanted to see the "old man". Mr. Carruth and I then stepped over in front of the clerk, which is in the middle of the room facing the door, and while we stood there I saw Mr.

Hand purchase this bottle of whisky, for which he paid Mr. Holler fifty cents.

Q—Did Mr. Hand sign anything, or was anything said about what it was for?

A—Nothing at all was signed, and nothing at all was said about what it was for.

Q—How did you get the whisky?

A—When we went out I gave Mr. Hand fifty cents, the amount he paid for it, and it has been in my possession ever since.

Q—You say you are a minister?

A—Yes, sir.

Q—How long have you been such?

A—About eight years.

Q—In that eight years have you been in any other business?

A—No, sir.

Q—Your object in going to Mr. Holler's store and getting that liquor was to get material to make a sensational sermon, was it not?

A—I did not feel the need of that.

Q—You say that was not your object?

A—No, sir; it was not my object.

Q—Now sir, on the following Sunday did you not preach a sensational sermon?

County Attorney Safford—I object. Judge Hazen—The objection is sustained.

Q—Did you ever know Fred Holler before that day in June?

A—No, sir.

Q—Were you in there on Friday more than once?

A—No, sir.

Q—Were you in there on Saturday more than once?

A—No, sir.

Q—You say T. S. Hand was with you on Friday?

A—Yes, sir.

Q—Where is Mr. Hand now?

A—T. S. Hand is now a resident of New York.

Q—How long has he been in New York?

A—He left the next week for New York.

Q—T. S. Hand is considered in this community as a common drunkard is he not?

Mr. Safford—We object. Judge Hazen—The objection is sustained.

Q—Did he have any kind of yours either by blood or marriage?

A—No, sir.

Q—Where did you meet Mr. Hand that day?

A—I met him at Kellam's store, where he worked.

Q—You say you paid him 75 cents?

A—Yes, sir.

Q—No more than 75 cents?

A—No, sir.

Q—When did you pay him the money?

A—After he handed me the beer.

Q—Then you bought the beer of Hand after he bought it of Holler?

A—I paid him for the beer, so that he would not be anything out.

Q—You paid it for the beer?

A—I paid the 75 cents he paid for the beer.

Q—Add took the beer?

A—Yes, sir.

Q—Where were you when he bought it?

A—I was standing by him when he bought it, at the rear end of the store. The blank was not filled and Mr. Hand was not sworn.

Q—You say that on Saturday you and Mr. Hand and A. G. Carruth were in the store at the same time?

A—Yes, sir.

Q—Who was in the store?

A—One clerk and two or three persons.

Q—When was this?

A—This was Saturday between 11 and 12 o'clock.

Q—You visited several drug stores, did you not?

A—Yes, sir.

Q—You visited Rowley Brothers, didn't you?

A—No, sir.

Mr. Case then named Swift & Holliday's, Sim's, Woolverton's, Arnold's, McKinley's, J. K. Jones' and Standfield's, but Mr. Sheldon said he had not visited any of them.

He then asked: "You were trying to get this man into trouble were you not?"

A—No, sir; I have since told him there was nothing at all personal in the matter, I was simply trying to test the law.

Q—You had no intention of prosecuting at that time?

A—No, sir.

Q—Were you in the employ of any person, company or corporation?

A—No, sir; I was acting on my own responsibility, backed up by citizen.

A. G. Carruth a printer and proof reader at the Hamilton Printing company then went on the stand and gave about the same evidence as Mr. Sheldon.

The witnesses for the defense were then sworn. W. F. Lake, Druggist Holler, clerk, Fred Holler himself, Dr. Ridgeway and Mr. Winn a real estate agent, all stood up.

Fred Holler by the aid of his cane hobbled to the stand and was questioned by Lawyer Case.

Mr. Holler testified that he made a record of every sale, and that T. S. Hand bought a half pint of whisky in his place on Friday, June 22, but he never bought any beer there. He was shown a large record book, in which he said he kept a record of all his liquor sales, but on cross-examination admitted that he made up that record from the slips on the application blanks, and said he filled in the record from June 16 to June 23 on the Saturday night after Hand bought the liquor. He said he never sold any whisky for less than seventy-five cents a pint, and generally sold it for \$1 a pint.

The papers in the case charged that Mr. Hand bought a pint of whisky while Mr. Sheldon said he was mistaken as to the amount as the bottle contained between a half pint and a pint.

Mr. Holler swore positively that he never sold Mr. Hand any beer, but that he sold him a half pint of whisky June 22, the application blank being filled in that manner and further said he did not sell Hand anything on Saturday.

W. F. Lake, Mr. Holler's nephew and clerk, testified in corroboration of his uncle's testimony, and said Mr. Sheldon and Mr. Carruth were in the store on Saturday, but Mr. Holler was not there at the time and said he did not know Mr. Hand.

Mr. Winn, who is a real estate agent and lives on Topeka avenue, was next called to the stand. Mr. Winn testified that he was in the store of Mr. Holler on Saturday, June 23, when Mr. Sheldon

and A. G. Carruth called at about eleven o'clock. He testified that Mr. Holler was not in the store; that he was not in the habit of looking about Holler's place, but simply went in there to buy a cigar, as he did almost every day. He was sure that Mr. Holler was not in the store at the time. That sometime soon after the appearance of the article in the paper regarding Mr. Sheldon's sermon, Mr. Lake had called his attention to it and they had talked over what they could prove regarding the case. He did not remember whether this conversation took place before or after Mr. Holler was arrested. Further testimony is being taken this afternoon.

WHEAT MAKES A RECORD.

December Wheat Reaches the Lowest Mark Since July.

NEW YORK, Sept. 20.—The wheat market made a new record this morning, December sold off to 58 1/2 against 59 1/4, the previous lowest record made last July. Cash wheat was a little above the lowest point being sustained by the active demand, both for export and milling account.

Export traders have bought close to a million bushels here this week, while the mills have taken 750,000 bushels. Notwithstanding this demand, however, options have declined, local bears hammering the market numerically and the improved crop estimates adding to the feeling of the weakness.

GEN. BOOTH'S TRIP.

He Will Travel All Over United States—In Kansas City Dec. 7.

ST. JOHNS, N. F., Sept. 21.—General William Booth, who founded the Salvation Army, has arrived here. He is the guest of Sir Robert Thorne, ex-premier. General Booth will make a tour of America, visiting all the large cities in Canada and the United States during the next six months.

The general will leave for Halifax tomorrow. New York will be reached about October 20. He will be in Kansas City December 7.

The United States trip proper ends at Seattle, December 28. Leaving Seattle the general will go to Vancouver, B. C., whence he will traverse the great Canadian northwest.

FIREMEN ELECT OFFICERS.

Frank W. Arnold of Terre Haute Made Grand Secretary.

HARRISBURG, Pa., Sept. 20.—The Brotherhood of Firemen elected the following officers today:

Grand secretary and treasurer, Frank W. Arnold, Terre Haute, Ind.; grand executive board, E. A. Ball, Stratford, Conn.; chairman, H. N. Lamb, Garrett, Ind.; secretary, J. D. Byrne, Portland, Ore.; J. J. May, Halstead, Pa.; A. A. Dillon, Ellis, Kas.

Board of trustees—W. F. Hines, Denver, Colo.; chairman, A. H. Hawley, New York, secretary, A. H. Sutton, Decatur, Ill., editor and manager Locomotive Fireman's magazine, W. S. Carter, Taylor, Texas.

CHARGED WITH LAZINESS.

Letter Carriers Continue Their Row Over Chairman Powers' Conduct.

CLEVELAND, Sept. 21.—At the convention of national letter carriers today, the morning was devoted to hearing charges against Chairman J. C. Powers, of the legislative committee. There was another exciting scene when the matter was brought up and the presiding officer found it almost impossible to maintain order.

All efforts to secure some action on the charges proved futile up to the noon recess, and there was a well defined feeling that Powers would ultimately be vindicated. The specific charges against him were laziness, neglect of duty and misconduct.

"The evidence is so vague," said President Armour, "that it is almost impossible to give any shape to them."

WHISKY TRUST DESPONDS.

Some of Its Officers Wouldn't Care If a Receiver Were Appointed.

A BOY'S SUICIDE.

Bert Rich Had Lived Only Sixteen Years.

But They Were Too Full of Sorrow For Him.

HE SHOOTS HIMSELF.

No Reason Known for His Desperate Act.

He Was an Industrious Boy of Good Habits.

Bert Rich, a white boy 16 years old, committed suicide this morning at 11 o'clock, at 2024 Buchanan street. A rusty revolver was the instrument used, and he shot himself almost squarely in the center of the forehead.

The boy had been employed by Wm. Sauerland at the above address, doing odd chores. Mr. Sauerland says Bert was a decidedly well behaved and industrious boy and he can assign no cause for his act.

The revolver had contained two empty chambers and three loaded ones. There was nobody in the house at the time, but the neighbors say they heard three shots, two of which were fired off in the yard. It is presumed that the latter were fired to ascertain if the weapon was in good working order. Bert did not die at once, but was still breathing but unconscious an hour after the shooting.

At a little before noon Mrs. Sauerland drove up to her gate and called for Bert to hold the horse. Hearing no response she hitched the horse herself and went into the kitchen where she found the boy lying on his back with the revolver at his feet.

The coroner was notified and the remains were taken to Knight's morgue. The inquest will be held at 9 o'clock tomorrow morning.

Bert Rich did not know a great deal of his own history, except that his father died when he was a baby and his mother died when he was somewhere between the age of four and seven. He worked at the state reform school for a time, voluntarily, for his board.

His employer, Mr. Sauerland, is a mechanic, employed in the Santa Fe shops.

WANTS TO STAY IN JAIL.

Jud Nicholson Ashamed of His Recent Disgrace—Today's Hearing.

The preliminary examination of "Jud" Nicholson, Guy Pier and John Stenman, who were charged with stealing whisky and brandy from Standfield's drug store last Saturday night, was set for 10:30 this morning in Justice Furry's court. Stenman and Nicholson, through their attorney, Lew Dolman, waived preliminary and were bound over to the district court in the sum of \$500 each.

Pier refused to waive. His attorney, Charles Fensky, said: "We want to see what you've got against us."

Prosecuting Attorney Army and the detectives who worked up the case, held a long secret consultation, and decided that the evidence against Pier was such that a conviction was hardly probable. They therefore discharged Pier on the charge of robbing Kyle's dry goods store at 431 Kansas avenue, on the night of September 8.

"Johnny" Wolff, the fourth young man who was charged with being more or less involved in the robbery, did not appear at the preliminary. He is said to have skipped town, both by an attorney and one of his pals. He leaves no bondsmen to suffer for his departure. His brother-in-law, Chief H. C. Lindsey, merely "vouched" for Wolff's appearance. He didn't sign any bond and he can't be held liable.

Nicholson, who before his offense last Saturday night bore a good reputation and had a host of friends, is almost overcome with sincere remorse. He could give bond, and he has had many friends volunteer to get him out, but he refuses all such offers, saying he doesn't want to be seen on the streets, and is ashamed to look his friends in the face.

"It has taught me a great lesson," he says, "that it is to let liquor alone. I never did anything of the sort before and whisky was responsible for it. I got drunk and fell in with the wrong gang. I had known Pier or Stenman but four days. My great mistake was in breaking away Sunday afternoon. I did it because I wanted Burdige to shoot me. I was with Fred Lacey visiting a traveling room at the Throop hotel when Doc Ward got me. I had an engagement to eat supper at the Elks' rooms and had just gone down stairs to telephone for a hack."

J. O. PAYNE BADLY HURT.

He Was Struck by a Freight Train at Lawrence Last Night.

J. O. Payne, who is employed in the Santa Fe general freight office, and who lives at 909 Clay street in this city, was badly and perhaps fatally hurt last evening at Lawrence by being struck on the head by a freight train at seven o'clock in some unaccountable way.

He was insensible and was taken back to Argentine. He had not regained consciousness when he was brought to Topeka this morning. The patrol wagon was used to take him to this house.

Santa Fe Surgeon Gibson attended to the case, and says it is very serious. Payne has concussion of the brain and his entire left side is paralyzed. He is a married man.

Dr. West Robbed.

Dr. William West, dentist, has a room at 723 Kansas avenue. He also had a good supply of gold filling for teeth last evening that he hadn't this morning. Somebody entered his room in some mysterious manner during last night and took therefrom all the gold fillings and scraps he had. There is no clue as to how the thief entered the room and it is supposed that he must have had a key to the door. He left the boxes that the gold was in. The police have been told about it.

Don't Meet Life Fence.

DENVER, Sept. 20.—John F. Shafer, Republican congressional candidate, has refused to meet Congressman Life Fence in a series of joint debates.

Attention, Lincoln Post.

You are requested to assemble at the post hall at 2 p. m. Friday, Sept. 21, to attend the funeral of our late comrade, Joseph H. Cook.

S. F. GROSCH, Post Commander. W. W. DENKISON, Adj.

IT'S ALL RIGHT, NOW.

Governor McKinley Will Speak Here for an Hour at the State House.

Governor William McKinley, of Ohio, will speak in Topeka, Wednesday morning, October 3, and all the people in eastern Kansas, who come here on that occasion, may have the opportunity of seeing and hearing the Ohio statesman.

The Ohio state central committee, which is managing Governor McKinley's western tour, has arranged for him to go through eastern Kansas in a special train, which will arrive in Topeka from St. Louis Wednesday morning at 9:30 o'clock, and after an hour's stop, will at 10:30 o'clock leave for Hutchinson, where Governor McKinley will speak in the afternoon.

When the train reaches Topeka Governor McKinley will at once be escorted to the state house and from the south steps of the capitol building will address all who can get within hearing distance. All this will be good news to our people who feared Governor McKinley was to be whisked past us.

After leaving Topeka the special train will make ten minute stops at several other stations.

EPISCOPAL CONVENTION.

The Meeting For the Diocese of Kansas at Salina Closes.

SALINA, Kans., Sept. 20.—The Episcopal convention closed its session here today. The clergy and lay delegates visited St. John's military school, after which Bishop Doane delivered his annual charge. Pledges for diocesan work this year were 50 per cent greater than last year.

Bishops' advisory and executive council for the ensuing year is as follows: Rev. Alfred Beatty, D. D., Rev. W. W. Ayres, Rev. John Bennett, Rev. J. H. Hopkins, Messrs. E. E. Stinson, D. D. Blish, M. Henderson and S. W. Gleason. The convention next year will be held at Hutchinson.

W. S. HEBRON REARRESTED.

Taken on a U. S. Warrant for Disobeying Orders of the Court.

WICHITA, Sept. 20.—W. S. Hebron, ex-postmaster of Kinsley, was rearrested last night at Pittsburg on a warrant from the United States court. Hebron was found guilty a few months ago of misappropriating funds of the postoffice but his sentence suspended at the time at the earnest solicitation of his friends.

Recently, however, he has been disobeying mandates of the court, and Judge Williams ordered his arrest and he will probably now be sent to the penitentiary. At one time he was quite prominent in Republican politics.

May Indict Havemeyer.

WASHINGTON, Sept. 20.—The grand jury has signified to the district attorney that it will have no further communication to make until next Monday when it is expected a report will be made of the findings of the indictment against Messrs. Havemeyer and Searies of the sugar trust for refusal to answer questions put by the senate investigating committee.

STAGE GLINTS.

J. Aldrich Libbey has signed for the Pauline Hall Opera company.

Gladys Wallis, who has played juvenile and ingenue parts, will enter comic opera.

John A. Forepaugh, the manager, is a candidate for the mayoralty nomination of Philadelphia.

Jack Webster, son of John Webster and Nellie McHenry, has adopted the stage and will be a member of Stuart Robson's company.

Brenton Thorpe has been signed by Rose Coghlan to play Gerald Arbuthnot in "A Woman of No Importance" and Algie Fairfax in "Diplomacy."

Ada Gray and her husband, Charles F. Tingay, have returned from England after a tour of that country. Miss Gray is booked to play 10 weeks in England next season.

Edward J. Ratcliffe, who was for several seasons a member of the New York Lyceum stock company, was married recently to Alice de Lacey, daughter of Peter de Lacey.

Stuart Robson's repertory will include "Leap Year, or the Ladies' Privilege," "The Henrietta" and "She Stoops to Conquer." Later in the season he will produce a new play.

Sadie Martinot and her husband, Max Figman, have returned to New York from Europe and will soon begin their joint starring tour in Yordly and Stephenson's comedy, "The Passport."

It is said that W. A. Brady will make an almost exact reproduction of Henry Irving's "Faust," and that Henry Irving, Jr., will play Mephistopheles and Marion Terry, sister of Ellen, Marguerite.

Modern Woodman of America, Attention.

Members of Sunflower camp, No. 536, M. W. A., will please take notice that our camp has accepted invitation to take part with other lodges of the city in the ceremony of laying the corner stone of the new court house on Saturday next. Every member who has the honor of the order as well as that of the city and county at heart, will be expected to meet at our hall, No. 704 Kansas avenue, on Saturday at 2 o'clock p. m., to take part in the grand parade. Foresters will go uniformed. H. F. BRID, Clerk.

T. E. SHEARD, Venerable Consul.

LOCAL MENTION.